REMARKS

Claims 1 – 26 are pending in this application. By this Amendment, claims 1, 8, 9, 11, 16, 23 and 25 have been amended and claims 7, 10, 21, 22 have been cancelled. It is respectfully submitted that this Amendment is fully responsive to the outstanding Office Action dated May 1, 2007.

As to the Merits:

As to the merits of this case, the Examiner sets forth the following rejections:

claims 1, 4, 7, 9, 11, 15 and 16 are rejected under 35 U.S.C. §102(b) as being anticipated by Chang et al. (U.S. Pat. 6,292,825);

claims 1, 4, 5 and 16 are rejected under 35 U.S.C. §102(b) as being anticipated by Boyle et al. (U.S. Pat. 6,119,167);

claims 2, 3, 6, 8, 10, 17, 18, 19 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Chang et al. in view of Wakasugi et al. (U.S. Pat. 6,823,367);

claims 12, 13 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Chang et al. in view of Beyda et al. (U.S. Pat. 6,275,850);

claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over Chang et al. in view of Beyda et al. and Wakasugi et al.;

claims 21, 23 and 26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Beyda et al.; and

claims 22, 24 and 26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Beyda et al. in view of Wakasugi et al.

Each of these rejections is respectfully traversed.

<u>Independent Claim 1:</u>

Independent claim 1, as amended, calls for *wherein the means for transmitting determines whether or not to transmit the electronic mail of the new mail notification by the push method protocol in accordance with a type of the received electronic mail.*

However, with regard to claim 1, it is respectfully submitted that the Chang reference fails to disclose or fairly suggest the features of claim 1 regarding the *means for transmitting determines whether or not to transmit the electronic mail with the new mail notification by the push method protocol in accordance with a type of the received electronic mail.*

Instead, Chang explicitly discloses that the brief and concise "notifications" are sent from the server to the consumer terminal automatically when the pulled consumer is on line and messages are waiting at the server. (See col. 4, lines 48-51 of Chang). In other words, Chang discloses that the new notifications are sent <u>automatically</u> and fails to include any type of determination whether or not to transmit the electronic mail of the new mail notification by the push method protocol in accordance with a type of the received electronic mail, as now called for in claim 1.

Independent Claim 11:

With regard to claim 11, it is submitted that the above comments made with regard to claim 1 are also applicable to claim 11, since, as discussed above, Chang automatically sends a notification to the consumer terminal from the server when the pull consumer is on line and messages are waiting at the server. In other words, in Chang, there is no determination of whether or not the electronic mail is a type designated in advance in order to determine whether the means for transmitting transmits the electronic of the new mail notification by the push method protocol, as called for in claim 11.

Independent Claims 16, 23 and 25:

With regard to claims 21, 23 and 25, it is respectfully submitted that the Examiner's

reliance on the Beyda reference under §103(a) in items 24 through 27 of the Action, is improper,

since the Examiner has failed to reject independent claim 16 based on the Beyda reference.

Moreover, it is respectfully submitted that the Beyda reference fails to disclose or fairly

suggest the feature of claims 16, 23 and 25 regarding *means for receiving electronic mail of a*

new mail notification which notifies that an electronic mail is stored in the mailbox of a mail

server by a push method protocol.

That is, in Beyda, a new mail notification is not sent from the local router server 12 to any

of the client devices 14, 16 and 18 by a push method protocol. Instead, as shown in step 52 of

the flow chart of Fig. 3, and as discussed in col. 6, lines 20-29: "...the receiving party establishes

a communication connection with the local router/server 12, employing one of the client devices

14, 16 and 18." Also, in step 52, the receiving party accesses the virtual mailbox of the local

router/server 12 that has been assigned to the receiving party in order to view the email message.

Accordingly, it is respectfully submitted that Beyda clearly fails to disclose the features of

claim 23 concerning *means for comparing an amount of data notified by the received electronic*

mail of the new mail notification, and an available capacity in the means for storing when the

new mail notification received, since as discussed above, the Beyda reference fails to disclose that a new mail notification is received by the client devices 14, 16 and 18 by a push method protocol.

Similarly, it is respectfully submitted that Beyda fails to disclose or fairly suggest the features of claim 25 regarding the *means for comparing the amount of data notified by the received electronic mail and the new mail notification, and a prescribed amount when a new mail notification is received,* for the reasons as discussed above with regard to claim 23.

Finally, with regard to claim 16, it is submitted that while Beyda may disclose in step 58 of the flow chart of Fig. 3 that the size of the attached file is compared with a pre-selected threshold size and that if the size of the detached file is equal to or greater than the pre-selected threshold size the process proceeds to step 60, it is submitted that such teachings fail to disclose or fairly suggest the features of claim 16 concerning the *means for requesting request the mail server to distribute electronic mail by the pull method protocol when available capacity in the means for storing is prescribed capacity or more, and when the new mail notification is received.*

In other words, claim 16 concerns the amount of available capacity in the means for storing, while step 58 of Beyda concerns the size of the attached file of the email.

Response
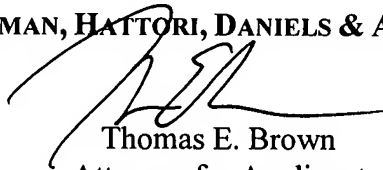Application No. 10/615,832
Attorney Docket No. 030733

In view of the aforementioned amendments and accompanying remarks, Applicants

submit that the claims, as herein amended, are in condition for allowance. Applicants request

such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the

Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to

expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate

extension of time. The fees for such an extension or any other fees that may be due with respect

to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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